## SULLIVAN, MOUNTJOY, STAINBACK & MILLER PSC

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Via Federal Express

December 16, 2010

RECEIVED

DEC 17 2010

PUBLIC SERVICE COMMISSION

Jeff DeRouen
Executive Director
Public Service Commission
211 Sower Boulevard, P.O. Box 615
Frankfort, Kentucky 40602-0615

Re: Big Rivers Electric Corporation Notice of Tariff Change

Dear Mr. DeRouen:

Enclosed for filing with the Public Service Commission on behalf of Big Rivers Electric Corporation ("Big Rivers") is the notice of Big Rivers of a change in its environmental surcharge tariff. A courtesy copy of this letter and enclosures have been served upon counsel for each intervening party in the case in which Big Rivers' environmental surcharge was established, *The Application of Big Rivers Electric Corporation for Approval of an Environmental Compliance Plan and Environmental Surcharge Tariff*, P.S.C. Case No. 2007-00460 as shown on the attached list. Please let me know if you have any questions about this filing.

Sincerely yours,

James M. Miller

JMM/ej Enclosure

cc:

Mark A. Bailey

Mark Hite

Albert Yockey

C. William Blackburn

wes M. Widlen

Sanford Novick

Burns Mercer

G. Kelly Nuckols

Attached List

Telephone (270) 926-4000 Telecopier (270) 683-6694

> 100 St. Ann Building PO Box 727 Owensboro, Kentucky 42302-0727

Michael L. Kurtz, Esq. Boehm, Kurtz & Lowry Suite 1510 36 East Seventh Street Cincinnati, OH 45202

Alcan Primary Products Corporation, Century Aluminum of Kentucky General Partnershipand Kentucky Industrial Utility Customers, Inc.

Hon. David C. Brown Stites & Harbison 400 West Market Street, Suite 1800 Louisville, KY 40202

# **Alcan Primary Products Corporation**

Hon. Frank N. King, Jr. Dorsey, King, Gray, Norment & Hopgood 318 Second Street Henderson, KY 42420

## Kenergy Corp.

Hon. David Denton Hon. Melissa D. Yates Denton & Keuler, LLP P.O. Box 929 555 Jefferson Street, Suite 301 Paducah, KY 42002-0929

Meade County Rural Electric Cooperative Corporation and Jackson Purchase Energy Corporation Hon. Dennis Howard Assistant Attorney General Office of the Attorney General Utility & Rate Intervention Division 1024 Capital Center Drive, Suite 200 Frankfort, KY 40601-8204

Kentucky Attorney General's Office

# FORM OF CERTIFICATE OF NOTICE TO THE PUBLIC OF CHANGE IN TARIFF WHERE NO INCREASE OF CHARGES RESULTS (2 Copies Required)

To the Public Service Commission, Frankfort, Ky.

Pursuant to the Rules Governing Tariffs (effective August 4, 1984) I certify that I am the president and chief executive officer of the Big Rivers Electric Corporation ("Big Rivers"), a utility furnishing electric generation and transmission service within the Commonwealth of Kentucky, which on the 17th day of December, 2010, issued its First Revised Sheet No. 71, Tariff P.S.C. No. 23, cancelling Original Sheet No. 71, and First Revised Sheet No. 72, Tariff P.S.C. No. 23, cancelling Original Sheet No. 72, Tariff P.S.C. No.23, both to become effective January 17, 2011, and that notice to the public of the issuing of the same is being given in all respects as required by Section 8 of said administrative regulation, as follows:

On the 17th day of December, 2010, the same was exhibited for public inspection at the offices and places of business of the Company in the territory affected thereby, to wit, at the main offices of the Company located at 201 Third Street, Henderson, Kentucky; that the same will be kept open to public inspection at said offices and places of business in conformity with the requirements of Section 8 of said administrative regulation; and on December 16, 2010, typewritten notice in the form attached hereto was mailed to each of the Company's member cooperatives.

I further certify that the proposed changes in tariff of said utility will not result in an increase in the rates or charges to any customer.

Given under my hand this 16<sup>th</sup> day of December, 2010.

**BIG RIVERS ELECTRIC CORPORATION** 

Mark A. Bailey

President and CEO

Address:

Big Rivers Electric Corporation

201 Third Street

Henderson, KY 42420



December 16, 2010

201 Third Street P.O. Box 24 Henderson, KY 42419-0024 270-827-2561 www.bigrivers.com

Mr. Burns Mercer President and CEO Meade County RECC P. O. Box 489

Brandenburg, KY 40108

Mr. Sandy Novick President and CEO Kenergy Corp. P. O. Box 18 Henderson, KY 42419-0018 Mr. Kelly Nuckols President and CEO Jackson Purchase Energy P. O. Box 4030 Paducah, KY 42002-4030

Subject: Big Rivers Electric Corporation Notice of Tariff Change

#### Gentlemen:

Big Rivers Electric Corporation ("<u>Big Rivers</u>") will give notice to the Kentucky Public Service Commission ("<u>Commission</u>") on December 17, 2010, pursuant to 807 KAR 5:011 Section 6(3)(b), of the issuance of its First Revision to Sheet No. 71, and First Revision to Sheet No. 72 of its tariff P.S.C. No. 23, which have effective dates of January 17, 2011. Copies of the revised tariff sheets, and a page showing the changes to the central language of Original Sheet Nos. 71 and 72, are attached.

The tariff sheet revisions issued by Big Rivers revise a portion of the text of the environmental surcharge approved for Big Rivers by the Commission in Case No. 2007-00460<sup>1</sup> (the "Environmental Surcharge Order"). The purpose of the tariff revision is to conform the text of the environmental surcharge found on Big Rivers' tariff Original Sheet Nos. 71 and 72 with the monthly environmental surcharge reporting formats as proposed in Big Rivers' application and approved by the Commission in the Environmental Surcharge Order, and to eliminate language inapplicable to Big Rivers that was inadvertently included in the text of Original Sheet Nos. 71 and 72. These changes represent corrections and clarifications that do not change or affect in any respect the operation of the environmental surcharge, the costs included in the environmental surcharge, or the environmental surcharge rate, current, past or future. This tariff change does not require a change in the environmental surcharge tariff of any of Big Rivers' member distribution cooperatives.

The changed Big Rivers tariff Sheet Nos. 71 and 72 may be suspended by the Public Service Commission, and the Public Service Commission may refuse to accept the changes, or order changes to Sheet Nos. 71 and 72 that differ from the changes filed by Big Rivers.

<sup>&</sup>lt;sup>1</sup> The Application of Big Rivers Electric Corporation for Approval of an Environmental Compliance Plan and Environmental Surcharge Tariff, P.S.C.Case No. 2007-00460 (Order Dated June 25, 2008).

Any corporation, association, or person with a substantial interest in this matter may request to intervene, by written request, within thirty (30) days after the date of mailing of this notice of the filed tariff revision, although the Public Service Commission may grant intervention beyond the thirty (30) day period for good cause shown. The request to intervene shall be submitted to the Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, and shall set forth the grounds for the request including the status and interest of the party.

Any person who has been granted intervention by the Public Service Commission may obtain copies of the notice of tariff revision and other filings made by Big Rivers by contacting Big Rivers at the address and telephone number shown above. Any person may examine the notice of tariff revision, filed testimony (if any) and any other filings made by Big Rivers at the main offices of Big Rivers, located at the address shown above, or at the offices of the Public Service Commission, located at 211 Sower Boulevard, Frankfort, Kentucky, telephone number (502) 564-3490. Please feel free to contact me with any questions you may have.

Sincerely yours,

Mark A. Bailey President and CEO

Big Rivers Electric Corporation

Attachments

	For All Territory Serve Cooperative's Transmis P.S.C.KY.NO.	ssion System			
	First Revised	SHEET NO	71		
Big Rivers Electric Corporation	CANCELLING P.S.C.KY.NO. 23				
(Name of Utility)	Original	SHEET NO	71		
	<u> </u>				
	RULES AND REGULATIONS				

#### 16. <u>ENVIRONMENTAL SURCHARGE</u>:

## Applicability:

To all Big Rivers Electric Corporation's ("Big Rivers") Members.

#### Availability:

The Environmental Surcharge ("ES") is a mandatory rider to all sales by Big Rivers to its Members, including Base Energy sales to the Smelters under the two Wholesale Electric Service Agreements each dated as of July 1, 2009, between Big Rivers and Kenergy with respect to service by Kenergy to the Smelters, but excluding (i) Supplemental and Back-Up Energy sales to the Smelters under those two agreements, and (ii) Backup Power Service and Energy Imbalance Service to Kenergy for Domtar Paper Company, LLC (in the aggregate, "Jurisdictional Sales").

**(T)** 

#### Rate:

The ES shall provide for monthly adjustments based on a charge per kWh equal to the difference between the environmental compliance costs in the base period and in the current period based on the following formula:

$$CESF = Net Jurisdictional E(m)/Jurisdictional S(m)$$
 (T)

MESF = CESF - BESF

MESF = Monthly Environmental Surcharge Factor

CESF = Current Environmental Surcharge Factor

BESF = Base Environmental Surcharge Factor of \$0.00000/kWh

Where E(m) is the total of each approved environmental compliance plan revenue requirement of environmental costs for the current expense month and S(m) is the kWh sales for the current expense month as set forth below.

DATE OF ISSUE December 17, 2010 DATE EFFECTIVE July 17, 2009					
ISSUED BY Mark Co. Transparent Rivers Electric Corporation, 201 3 <sup>rd</sup> St., Henderson, KY 42420 (Signature of Officer)					
(Signature of Officer)					

			For All Territory Served Cooperative's Transmiss P.S.C.KY.NO.			
			First Revised	SHEET NO	72	
Big Rivers Electric Corporation (Name of Utility)			CANCELLING P.S.C.KY.NO. 23			
			Original	SHEET NO	72	
		RULES A	ND REGULATIONS			
Definitions:						
(1)	E(m) =	≈ OE – BAS				(T)
Where	:					
	(a)	Expenses, defin	he Monthly Pollution C led as the operating and lowance expense of app	maintenance ex	pense	(T)
	(b)	• •	proceeds from By-Prod	ucts and Emissic	on	(T)
(2)	Total E(m) is multiplied by the Jurisdictional Allocation Ratio to arrive at Jurisdictional E(m). The Jurisdictional Allocation Ratio is the ratio of the kWh Jurisdictional Sales to which the ES will be applied for the current expense month, divided by the sum of kWh of (i) Jurisdictional Sales, (ii) off-system sales, (iii) Supplemental and Back-Up sales to the Smelters, and (iv) Backup Power Service and Energy Imbalance Service to Kenergy for Domtar Paper Company, LLC for the current expense month.				(T)	
(3)	Jurisdictional E(m) is adjusted for Over/(Under) Recovery and, if ordered by th Public Service Commission, a Prior Period Adjustment to arrive at Net Jurisdict E(m).					
(4)		nrent expense month in which the	onth (m) shall be the sec ES is billed.	ond month prec	eding	(T)

DATE OF ISSUE December 17, 2010 DATE EFFECTIVE July 17, 2009

ISSUED BY Big Rivers Electric Corporation, 201 3<sup>rd</sup> St., Henderson, KY 42420 (Signature of Officer)

# 16. ENVIRONMENTAL SURCHARGE:

## Applicability:

To all Big Rivers Electric Corporation's ("Big Rivers") Members.

#### Availability:

The Environmental Surcharge ("ES") is a mandatory rider to all sales by Big Rivers to its Members, including Base Energy sales to the Smelters under the two Wholesale Electric Service Agreements each dated as of July 1, 2009, between Big Rivers and Kenergy with respect to service by Kenergy to the Smelters, but excluding (i) Supplemental and Back-Up Energy sales to the Smelters under those two agreements, and (ii) Backup Power Service and Energy Imbalance Service to Kenergy for Domtar Paper Company, LLC (in the aggregate, "Jurisdictional Sales").

#### Rate:

The ES shall provide for monthly adjustments based on a charge per kWh equal to the difference between the environmental compliance costs in the base period and in the current period based on the following formula:

CESF = Net <u>Jurisdictional</u>  $E(m)/\underline{Jurisdictional} S(m)$ 

MESF = CESF - BESF

MESF = Monthly Environmental Surcharge Factor

CESF = Current Environmental Surcharge Factor

BESF = Base Environmental Surcharge Factor of \$0.00000/kWh.

Where E(m) is the total of each approved environmental compliance plan revenue requirement of environmental costs for the current expense month and S(m) is the kWh sales for the current expense month as set forth below.

#### Definitions:

(1) E(m) = OE - BAS + (Over) Under Recovery

#### Where:

- (a) OE represents the Monthly Pollution Control Operating
  Expenses, defined as the operating and maintenance expense
  and emission allowance expense of approved environmental
  compliance plans; and
- (b) BAS is the net proceeds from By-Products and Emission Allowance Sales, and;
- (c) (Over) or Under recovery amount as amortized from prior six-Month period.
- (2) Total E(m) is multiplied by the Jurisdictional System Allocation Ratio to arrive at Net Jurisdictional E(m)]. The Jurisdictional System Allocation Ratio is the ratio of the kWh Jurisdictional Sales to Member Systems to which the Surcharge ES will be applied, ending with for the current expense month, divided by the sum of kWh of (i) sales to Jurisdictional Sales, (ii) off-system sales, and (iii) Supplemental or and Back-Up sales to the Smelters supplied from Big Rivers' generation resources during the month, and (iv) Backup Power Service and Energy Imbalance Service to Kenergy for Domtar Paper Company, LLC for the current expense month.
- (3) Jurisdictional E(m) is adjusted for Over/(Under) Recovery and, if ordered by the Public Service Commission, a Prior Period Adjustment to arrive at Net Jurisdictional E(m).

  Jurisdictional sales S(m) is the kWh sales for Big Rivers for the current expense month.
- (4) The current expense month (m) shall be the second month preceding the month in which the Environmental Surcharge ES is billed.